



Sustainable Groundwater Management Act (SGMA)
DRAFT BASIN BOUNDARY EMERGENCY REGULATIONS - Factsheet
California Department of Water Resources (DWR)
http://water.ca.gov/groundwater/sgm/basin_boundaries.cfm

DRAFT BASIN BOUNDARY EMERGENCY REGULATIONS

It is the policy of the State that groundwater resources be managed sustainably for long-term reliability and multiple economic, social, and environmental benefits for current and future beneficial uses. The Department of Water Resources' (DWR) Sustainable Groundwater Management Program will implement the new and expanded responsibilities identified in the 2014 Sustainable Groundwater Management Act (SGMA). Sustainable groundwater management is best achieved locally through the development, implementation, and updating of plans and programs based on the best available science (Water Code § 113). The SGMA established a process for local agencies to request that DWR revise the boundaries of a groundwater basin or subbasin, including the establishment of new subbasins. California's groundwater basins and subbasins are defined in the DWR's [**Bulletin 118-Update 2003**](#) – and described below:

- A **groundwater basin** is defined as a three-dimensional alluvial aquifer, or a stacked series of alluvial aquifers, with reasonably well-defined boundaries in a lateral direction and a definable bottom.
- A **groundwater subbasin** is created by dividing a groundwater basin into smaller units using geologic and hydrologic barriers, or institutional boundaries.

By January 1, 2016, DWR is required to adopt emergency regulations that specify the information required to comply with Water Code §10722.2, which outlines the process that local agencies shall follow when requesting modifications to existing boundaries of groundwater basins and subbasins. The basin boundary regulations will also identify the methodology and criteria that will be applied by DWR when evaluating modification requests. In general, local agencies will be required to address all of the following:

- How to assess the likelihood that the proposed basin can be sustainably managed.
- How to assess whether the proposed basin would limit the sustainable management of adjacent basins.
- How to assess whether there is a history of sustainable management of groundwater levels in the proposed basin.

Existing groundwater basin and subbasin boundaries have been defined and revised based the best available information during each past update of Bulletin 118. The proposed draft emergency regulations create a process that builds off this historical knowledge and provides a mechanism to modify basin and subbasin boundaries or create new subbasins based on new scientific information and local groundwater management knowledge to improve coordination and promote sustainable groundwater management statewide.

The draft emergency regulations have been organized in a manner to encompass the variety of modifications that may be requested by local agencies. Each basin boundary modification includes requirements that vary according to the type of modification requested. It is required that basin boundary modifications be coordinated and consolidated and proposed by a single local agency, identified as the Requesting Agency. The Requesting Agency will prepare the basin boundary modification request information in accordance with the requirements for the type of modification requested.

SUMMARY OF REGULATION ARTICLES

The basin boundary modification regulations will be part of the California Code of Regulations Title 23 - Waters, Division 2 - Department of Water Resources, Chapter 1.5 – Groundwater Management, Subchapter 1 – Groundwater Basin Boundaries, and are arranged into seven articles. The following is a brief summary of each article:

1. **Introductory Provisions:** Provides the authority and intent of the subchapter.
2. **Definitions:** Provides definitions to key terms used in the regulations.
3. **Boundary Modification Categories:** Provides a description for characterizing the type of modification being requested.
4. **Procedures for Modification Request or Protest:** Procedures for requesting basin boundary modifications and protesting a modification request.
5. **Supporting Information:** Description of the required information to support the proposed basin modification.
6. **Methodology and Criteria:** Description of the criteria by which information provided in article 5 will be evaluated.
7. **Adoption of Boundary Modification:** Procedure for the adoption of boundary modifications by DWR.

MODIFICATION TYPES

There are two primary types of basin modifications, scientific and jurisdictional, each with specific requirements to justify the modification request. The following is a description and graphical representation of the types of basin or subbasin modifications:

Scientific	Hydrogeologic
Jurisdictional	Internal
	Consolidation
	Subdivision

Scientific Modifications: Scientific-based modifications are those that are directly attributed to the hydrogeologic definition of the groundwater basin. These modifications require geologic and/or hydrologic evidence to support a boundary modification that will increase the likelihood of sustainable management of the groundwater basin.

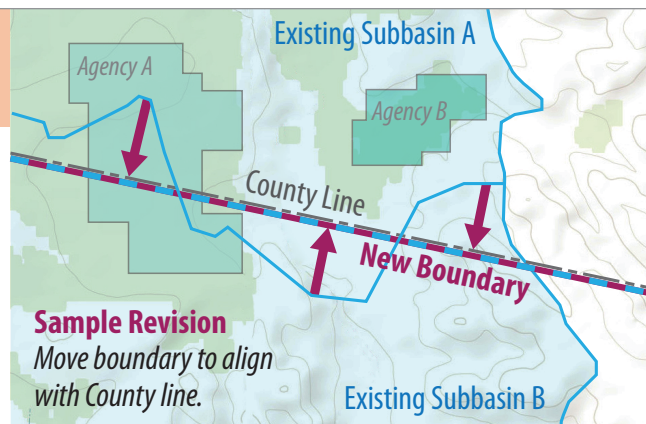
Jurisdictional Modifications: Jurisdictional modifications are those which increase the likelihood of sustainable groundwater management by modification of basin boundaries to promote the implementation of the SGMA without limiting the ability of the basins or affected basins to manage groundwater sustainably. Jurisdictional modifications have three sub categories: internal, consolidation, and subdivision.

Examples of Modification Types

SCIENTIFIC	
<p>A scientific revision to a basin boundary consists of the addition, deletion, or relocation of a boundary based on the geologic or hydrologic conditions that define that basin.</p>	

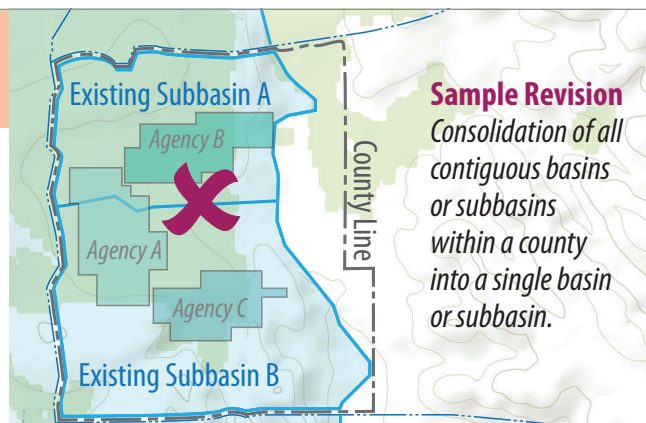
INTERNAL (Jurisdictional)

Internal Boundary Revision refers to any boundary modification that would adjust the location of a boundary between subbasins, within a basin, or the shared boundary between adjacent basins.



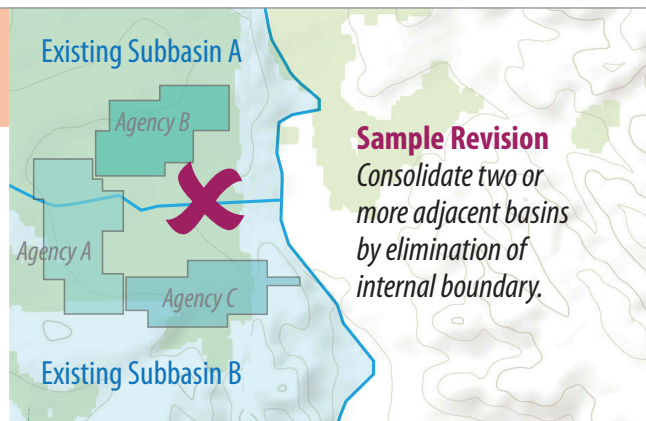
COUNTY BASIN CONSOLIDATION (Jurisdictional)

County Basin Consolidation means the consolidation of all contiguous basins or subbasins within a county into a single basin or subbasin whose boundaries do not extend beyond those of the county.



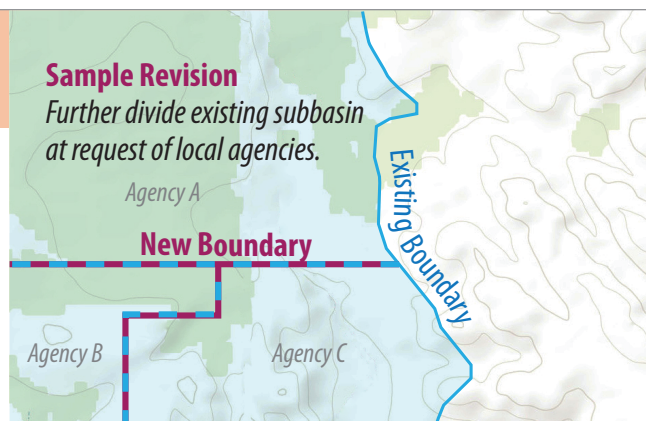
BASIN CONSOLIDATION (Jurisdictional)

Basin Consolidation refers to any boundary modification that would reduce the number of subbasins within a basin, or merge two or more adjacent basins, but would change only shared boundaries and would not change the external boundary of any basin or subbasin.



BASIN SUBDIVISION (Jurisdictional)

Basin Subdivision refers to any boundary modification that would increase the number of subbasins within a basin or subbasin.



REQUIRED COMPONENTS OF BOUNDARY MODIFICATION

The information submitted by a Requesting Agency to justify a basin boundary modification needs to align with the criteria described in the SGMA (Water Code § 10722.2(c)(1)-(3)). The criteria are general, as described below, but provide a context in which to present information to support the modification request.

1. How to assess the likelihood that the proposed basin can be sustainably managed.
2. How to assess whether the proposed basin would limit the sustainable management of adjacent basins.
3. How to assess whether there is a history of sustainable management of groundwater levels in the proposed basin.

All of the following three components are required for basin boundary modifications relate to Water Code §10722.2(a):

Component 1 – General Information

A Requesting Agency will be required to provide general information including: contact information; a narrative description and justification for the proposed boundary modification. This information is important as it provides the opportunity to explain what type of modification is being proposed and the rationale for why the modification will result in sustainable groundwater management. It also provides for the evaluation of eligibility as a local agency and provides contact information to assure that the modification request is coordinated properly. All Requesting Agencies must complete all of these requirements for all types of modification requests.

Component 2 – Notification, Consultation, and Local Support

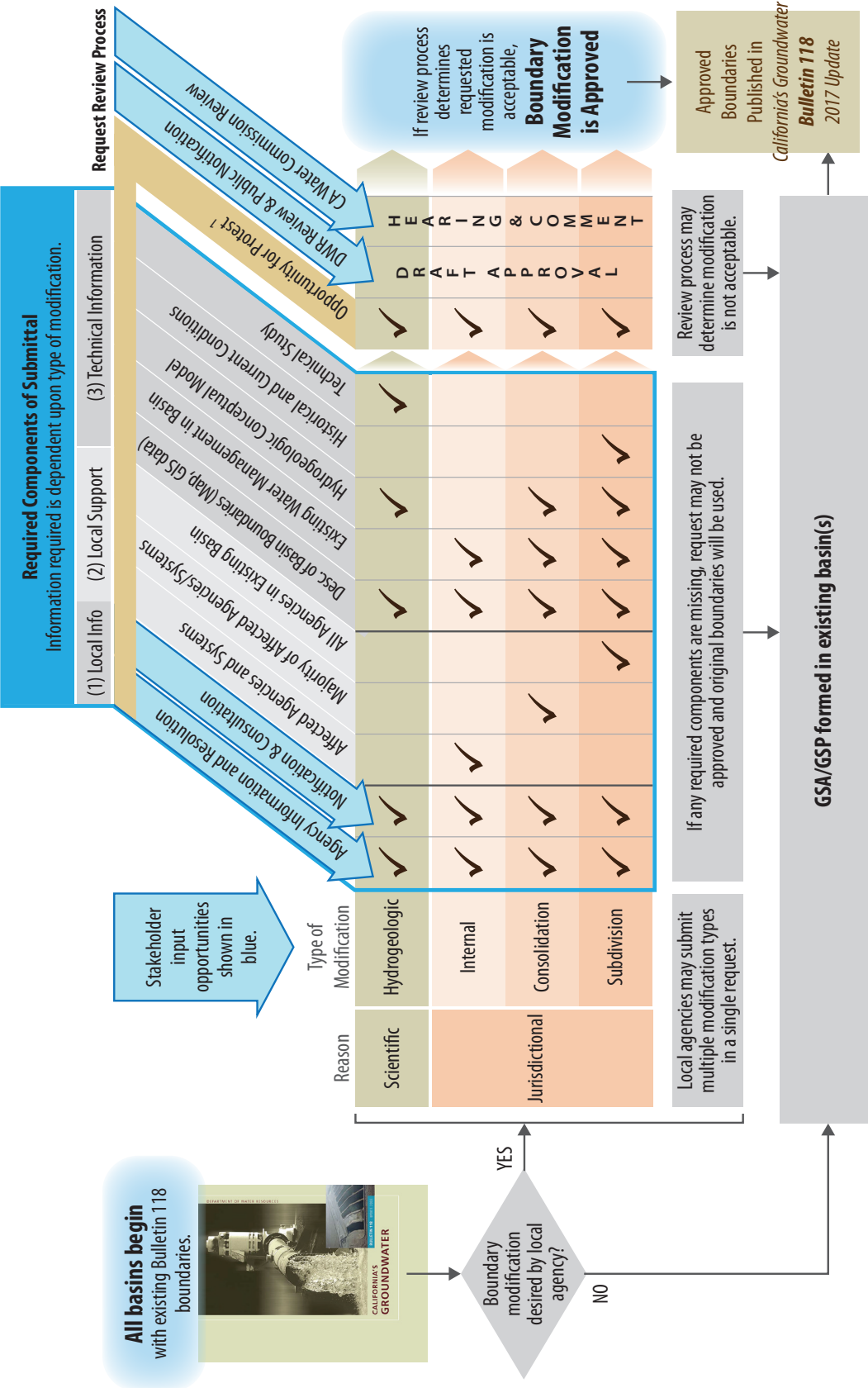
A Requesting Agency will need to demonstrate the required notification, consultation, and broad local support for each basin boundary modification request. The purpose of this component is to establish communication among the multiple local agencies and public water systems potentially affected by the modification and clearly demonstrate the intent and support at the local level. Broad local support demonstrates that the modification will result in the likelihood of sustainable groundwater management of the proposed basin, as well as the adjacent basins or subbasins. The notification, consultation, and broad local support are described below related to the type of basin modification:

- **All Requests** – Require Notification and Consultation (Article 5). For all basin boundary modifications, interested local agencies and public water systems must be consulted and a notice of the proposed modification shall be made public. A summary of public meetings where the proposed modification was discussed, including comments received, is required.
- **Jurisdictional Requests** - Local Support (Article 5).
 - **Internal Boundary** – Must demonstrate that each affected local agency and affected public water system support the modification request.
 - **Basin Consolidation and County Basin Consolidation** – Must demonstrate that a majority of affected local agencies and affected public water systems support the modification request.
 - **Basin Subdivision** – Must demonstrate that each affected local agency and each affected public water system support the modification request in the affected basin(s).

Component 3 – Technical Information

Technical information describing and supporting the three criteria identified in Water Code § 10722.2(c) is required for basin boundary modification. Requesting Agencies are required to provide evidence to justify the modification of a basin boundary and show compliance with the legislative intent of the SGMA. The technical supporting information required for each modification type is illustrated in the draft basin boundary modification process graphic below and described in detail in Article 5.

Basin Boundary Modification Process



¹ A protest submittal requires the same components as a boundary modification request, based on type of modification.

STAKEHOLDER INPUT OPPORTUNITIES

Local agencies, as defined in the SGMA, are eligible to request basin boundary modifications. The draft emergency regulations have been established to provide multiple opportunities for stakeholder input and notification of basin modification requests. The initial opportunity is direct communication with the Requesting Agency or an affected local agency through typical hearing processes at the local level. The notice, consultation, and local support component requires public meetings to occur prior to all boundary modification requests.

The draft emergency regulations include a protest provision (Article 4), which defines a process for stakeholders to protest a proposed modification, after a request is officially submitted to the DWR. A protest must rely on the same type of scientific and technical information, and will be evaluated by the same criteria, as the particular basin modification request to which it is addressed.

DWR will make the proposed recommendations for basin boundary modifications available on its website and will hold a public meeting to present and discuss the proposed recommendations.

Another opportunity to provide input on proposed basin boundary modifications is when DWR presents the list of proposed recommendations to the California Water Commission (CWC).

NEXT STEPS FOR ADOPTING REGULATIONS

The following is the anticipated schedule and next steps for adopting the emergency regulations:

July 15, 2015 – Informational update on basin boundary emergency regulations presented to the CWC.

July 17, 2015 – Draft basin boundary emergency regulations available on website.

August 19, 2015 – Informational update on basin boundary emergency regulations presented to the CWC.

August 31, 2015 – Public meeting and webinar presenting the draft basin boundary emergency regulations. Location: Byron Room, California EPA Building, Sacramento.

September 2, 2015 – Public meeting presenting the draft basin boundary emergency regulations. Location: Bakersfield Community College, Bakersfield.

September 3, 2015 – Public meeting presenting the draft basin boundary emergency regulations. Location: The Delhi Center, Santa Ana.

September 4, 2015 – Deadline for comment on draft emergency regulations.

September 16, 2015 – Informational update on basin boundary emergency regulations presented to the CWC.

October – November, 2015 – Formal Notice of Proposed Rulemaking and supporting information.

October – November, 2015 – Presentation of proposed emergency regulations to CWC for adoption.

October – November, 2015 – Submission of adopted emergency regulations to Office of Administrative Law.

January 1, 2016 – Basin boundary modification requests accepted by DWR within 90 day period.

*All dates are subject to change